REMARKS

Applicants have amended the specification to identify the allegedly missing reference numerals identified in paragraph 1 of the Action (except for numeral 302 on FIG. 6, which has been deleted on the corrected drawing submitted herewith) and to eliminate the inconsistencies noted by the Examiner in paragraph 2 of the Action. Withdrawal of the objections to the drawings and specification is respectfully requested.

Applicants have amended claim 5 to correct its dependency and have amended claims 18 and 19 and added new claims 21 and 22 in response to the Examiner's comments regarding those claims. Withdrawal of the objections in paragraphs 3-5 of the Action is respectfully requested. Applicants have also added new claims 23 and 24 to indicate that the control acts to control rotation or reduce the speed of rotation of the agitator only when the suction inlet is adjacent a surface being cleaned.

Claims 1-4 and 19 stand rejected as anticipated by "Atsushi," actually "Morishita," since the inventor's name on the reference is given family name first, as is the custom in Japan. This rejection is respectfully traversed.

The Examiner has relied on a machine translation of Morishita, the quality of which is so poor that it is difficult to make sense of Morishita's disclosure. To assist in examination, applicants have procured a better translation of Morishita, a copy of which is attached for the Examiner's reference.

Applicants agree that Morishita discloses a turbine-driven tool of a type similar to this invention, a so-called "clean air" turbine, in which the air that drives the turbine comes from an inlet separate from the main suction inlet of the tool. However, Morishita's structure is not at all like the claimed invention.

Figures 10 to 13 of Morishita show a prior art arrangement. Figure 13 shows a "clean air" turbine 3, driven by air from channel 13, which is separate from the main suction inlet 16 of the tool. The turbine 3 causes agitators 4, 5 to rotate. When a user needs to remove hair or

fibers from the agitators, he inverts the tool, as explained in paragraph [0010]. When the tool is inverted, the closure device 15 drops into the channel 13 and closes off the airflow to the turbine 3, causing the turbine to stop. As Morishita explains, a problem with this prior art arrangement is that, in normal, non-inverted use, the suction airflow in the channel 16 can sometimes be strong enough to cause the closure member to rise up into the channel 13, cutting off the airflow – which is sufficiently undesirable that persons of ordinary skill in the art would be deterred from doing so.

Morishita aims to solve this problem by adding slits 152 in the chamber 150 in which the closure member 160 sits, as shown in Fig. 8. Therefore, in normal use, the chamber 150 is in communication with the main suction chamber 40 so that the closure member 160 is sucked into the bottom of the chamber 150. When the tool is inverted as shown in Fig. 9, so that the user can maintain the agitator 60, the weight of the closure member 160 causes it to drop down and close off the inlet 140 to the turbine. As explained in paragraph [0043] of Morishita, on which the Examiner relies:

> [0043] When the suction opening body 20 is inverted, the suction opening 26 is opened so that the level of vacuum in the aspiration air channel 40 drops and the level of vacuum in the turbine chamber 30 is higher than in the aspiration air channel 40. Consequently, as shown in Figure 9, the closure member 160 projects from the opening 152 of the housing chamber 151 under its own weight to close off the intake opening 140. That is to say, the guiding air channel 41 is closed off. Thanks to this closure, external air is not taken into the turbine chamber 30, and as a result the rotational speed of the turbine 50 drops sharply, and the turbine 50 then stops. When the turbine 50 stops, it is a simple matter to remove pieces of thread and the like which have become entangled with the rotary cleaning body 60.

Therefore, paragraph [0043] of Morishita discloses a closure member preventing rotation of the turbine, but the control is responsive only to the position of the tool itself, i.e., whether the tool is inverted or right-side up, and not in response to the speed of rotation of the first turbine or to a flow of air to or through the first turbine, as required by this invention. Morishita is thus totally devoid of any disclosure of the control as claimed in claims 1 and 19 of this application.

Since Morishita does not disclose the claimed control, the rejection of claims 1-4 and 19 as anticipated by Morishita should be withdrawn.

Claim 14 stands rejected as obvious over Morishita alone, claims 15-17 stand rejected as obvious over Morishita in view of Kirby, and claim 18 stands rejected as obvious over Morishita in view of Conrad. These rejections should be withdrawn because Morishita does not provide the teachings for which it was cited, and the secondary references do not remedy the deficiencies of Morishita.

Early action allowing claims 1-19 and 21-24 is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 424662010500.

Respectfully submitted,

Dated: October 17, 2008 By: _____

Barry E. Bretschneider
Registration No. 28,055

Morrison & Foerster LLP
1650 Tysons Boulevard, Suite 400
Mclean, Virginia 22102
Telephone: (703) 760-7743
Facsimile: (703) 760-7777